IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33613 of 2007(B)

PETITIONER:

SOMAN.P.N., S/O.NARAYANAN NAIR,
AGED 44, PALAKKAL HOUSE, EROOR NORTH,
TRIPUNITHURA.

BY ADV. SRI.S.SREEKUMAR

RESPONDENT:

THE SECRETARY,
TRIPUNITHURA MUNICIPALITY.

BY ADV.SRI.V.M.KURIAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 33613 OF 2007

Dated this the 14th day of November, 2007

JUDGMENT

Sri.V.M.Kurian, Standing Counsel who takes notice on behalf of the respondent Municipality seeks 10 days time to file a counter affidavit. But in the nature of the orders which are being passed hereunder, it is not necessary to grant time since this Court is not going into the merits of the matter. Ext.P3 is a provisional order for demolition issued to the petitioner. To Ext.P3 the petitioner has filed Ext.P4 explanation. The petitioner submits that Ext.P3 has not been finalised yet. It is appropriate that Ext.P3 is finalsed with notice to the petitioner. The petitioner has a further case that along with Ext.P2 revised plan the petitioner has filed an application dt.26.10.07 for regularisation of the constructions. Since the regularisation application is seen pending, it is only proper that the Municipality take a decision on that application.

Under these circumstances, without going into the merits of the grounds raised, this Writ Petition will sand disposed of issuing the following directions:

The respondent will consider Exts.P3 and P4 and take a final decision on the question of confirming the provisional order, Ext.P3, after hearing the petitioner. Decision as directed above will be taken at

the earliest and at any rate within three weeks of receiving copy of this judgment. Till such time as the decision is taken and is communicated to the petitioner and a period of 5 more days from the date of such communication, the said decision will not be implemented by the Municipality.

If the application for regularisation dt.26.10.07 on the basis of Ext.P2 revised plan is even now pending before the Municipality, the Municipality will consider that application, hear the petitioner and take a decision on that application. Decision as directed above will be taken in any event within one month of receiving copy of this judgment.

PIUS C. KURIAKOSE, JUDGE

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